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8   **UNITED STATES DISTRICT COURT**

9   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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11   Communities for a Better   )   CASE NO: C07-02768 JCS
Environment, a California non-profit)
12   corporation,   )   **STIPULATION TO EXTEND TIME**
)   **FOR FILING RESPONSIVE**
13   Plaintiff,   )   **PLEADING & EXCHANGE OF**
)   **RULE 26(a)(1) INITIAL**
14   v.   )   **DISCLOSURES**
)
15   Action Metal Recycling, Inc., a   )   *Pursuant to* Fed. R. Civ. P. 6(b)(1),
California corporation,   )   Local Rule 6-1.
16   )
)   Magistrate Judge: Joseph C. Spero
17   Defendant.   )
)   (Federal Water Pollution Control Act,33
18   _____)   U.S.C. §§ 1251 et seq.)

19

20   IT IS HEREBY STIPULATED by and between the parties, through their

21   respective attorneys of record, that Plaintiff Communities for a Better Environment

22   ("Plaintiff") and Defendant Action Metal Recycling, Inc. ("Defendant"), hereby

23   stipulate and agree as follows:

24   WHEREAS, Plaintiff filed its Complaint against Defendant on May 25, 2007;

25   WHEREAS, Plaintiff served the Complaint on Defendant on July 13, 2007;

26   WHEREAS, the parties appeared before this Court for a Case Management

27   Conference on August 31, 2007,

28   WHEREAS, the Court granted the parties ninety (90) days to mediate the

1   matter, continuing the Case Management Conference to November 30, 2007;

2   WHEREAS, Plaintiff and Defendant are engaged in mediation pursuant to

3   Local Rule 6-3(a) with a court appointed mediator;

4   WHEREAS, the parties previously stipulated to extend the deadline for filing

5   responsive pleading to August 31, 2007 and then to September 21, 2007;

6   WHEREAS the parties previously stipulated to exchange initial disclosures by

7   September 21, 2007;

8   WHEREAS, the Defendant desires additional time to prepare and file

9   responsive pleading in light of the mediation;

10   WHEREAS, the parties desire additional time to prepare and exchange

11   Federal Rules of Civil Procedure ("FRCP') Rule 26(a)(1) Initial Disclosures in

12   light of the mediation; and

13   WHEREAS, the parties desire to extend the date by which Defendant must file

14   responsive pleading and to extend the date for the exchange of FRCP Rule 26(a)(1)

15   Initial Disclosures.

16   NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE

17   PARTIES HEREBY STIPULATE THAT:

18   1.   The parties have extended the date for exchange of FRCP Rule

19   26(a)(1) Initial Disclosures to November 2, 2007; and

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1   2.   The Defendant's last day to file responsive pleading to the Complaint

2   is extended to December 7, 2007.

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4   IT IS SO STIPULATED AND AGREED.

5   DATED: September 20, 2007   **COMMUNITIES FOR A BETTER ENVIRONMENT**

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7

8   /s/_____

                         Philip Huang

9   Counsel for Plaintiff

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11   DATED: September 20, 2007   **TRUTANICH • MICHEL, LLP**

12

13   /s/_____

14   W. Lee Smith

                         Counsel for Defendants

15

16   DATED:_____, 2007

17

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19   _____

20   Honorable Joseph C. Spero

21   United States Magistrate Judge

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STIPULATION TO EXTEND TIME FOR
RESPONSIVE PLEADING C07-02768 JCS   3

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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

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Communities for a Better Environment, a California non-profit corporation,)))	CASE NO: C07-02768 JCS
Plaintiff,))))	CERTIFICATE OF SERVICE
v.)))	
Action Metal Recycling, Inc., a California corporation,))))	
Defendant.))	

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16 IT IS HEREBY CERTIFIED THAT:

17 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

18

19 I am not a party to the above-entitled action. I have caused service of:

20 **STIPULATION TO EXTEND TIME FOR FILING RESPONSIVE PLEADING**

21
22 on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

23 Philip Huang
    Counsel for Plaintiff
24 E-Mail: phuang@cbecal.org

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on September 21, 2007.

27 /s/W. Lee Smith
    W. Lee Smith
28 Counsel for Defendant